FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a four-apartment dwelling as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Robert W. Awalt, Jr., Vice President, appeared, testified and was represented by Counsel, Newton A. Williams, Esquire. Also appearing on behalf of the Petition were William K. Lawrence, Contract Purchaser; Christine Stengel; and Patricia Collier. The following persons appeared as Protestants: Katherine W. Harp, Joan B. Brandau, Catherine E. Brenner, Eileen Dahlke, Thelma Hayes, Mr. & Mrs. H. W. Smith, and Mr. Frank Mannone.

Testimony indicated that the subject property, known as 1133 Baker Avenue, is zoned D.R. 5.5 and is improved with a three-story frame dwelling. Ms. Stengel testified that she lived in the second floor apartment of the subject dwelling from 1940 to 1943. She indicated that at that time, there were four apartments on the property, two on the first floor, one on the second floor, and a third floor apartment. She further testified that she las lived in the vicinity since moving from the subject property and that to the best of her knowledge, when she has walked or driven past the subject property, it has remained four apartments.

Mr. Awalt testified that Little Patuxent Properties purchased the subject property in July 1983. He testified that the condition of the dwelling and the location of the apartments was and is as described by Ms. Stengel. He further testified that during his ownership of the property, the apartments have been continuously occupied without interruption except for brief periods during a change in tenants. Mr. Awalt testified that he has entered into a contract of sale for the property with Mr. Lawrence, and that it is contingent upon the establishment of the four apartments as a nonconforming use.

Exhibit 4B, an affidavit of Samuel L. Anderson, a former owner of the property, wherein Mr. Anderson states that the subject property has been used as a four apartment dwelling since July 1941.

Joan Brandau, indicated that they do not contest nor have any evidence that the dwelling was not used as a four apartment building prior to 1945 nor that its use has not been continuous and without interruption. The Protestants main concerns were as to the condition of the property in the \$ past few years and there being inadequate parking to support its use. There was further testimony and discussion between the Protestants and Mr. Lawrence concerning his plans for the property. However, since all parties were in agreement that such discussion and testimony was irrelevant to the special hearing, said testimony and discussion will not be recanted

The Petitioner seeks relief from Section 104.1, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

ment dwelling since 1940. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use has existed since prior to the 1945 zoning regulations taking effect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, it appears that the relief requested in the special hearing should be granted. THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for

Baltimore County this day of July 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a four apartment dwelling be and is hereby GRANTED from and after the date of this Order.

> and H Nostrania ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs

DESCRIPTION FOR SPECIAL HEARING

Located on the south side of Baker Avenue approximately 65' southwest of Carroll Street and known as lots 22, 23 and 24 as shown on Plat 4 of Catonsville Manor which is recorded

District 1st

Posted for: 1512 | Fearing | 1 No. Petitioner: Little Student Propertie INC. Location of property: SEAS AN BANK AND GO SIVE A CARRELLES. LOCALION OF DESIGNATION OF THE MAN) Location of Signs: Clas front of 1123 Butter due.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Henring CASE MUMBERS 88-528-504 SES Baker Avenue, 85° SM of Carroll Street (1133 Baker Avenue) 1st Election District - 1st Councilmenic Petitioner(s): Little Patument Properties, Inc. HEARING SCHEDULED: FRIDAY, JULY 8, 1988 at 9:00 a.m.

Special Hearings A non-conforming use as a four apertment dwelling.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County ccs Little Paturent Properties, Inc. Newton A. Williams, Esq.

BAKER AVE 65 TO CARROLL ST. EXT. 3 37084 WOUD FRAME DWIG DWIG. DWLG5. = 14 ACRE DWLGS. FXHIBIT PETITIONER: LITTLE PATUXENT , PROP. INC.

in the Land Records of Baltimore County in Book 6, page Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. 160. Also known as 1133 Baker Avenue. I We do solemnly declare and affirm, under the penalties of perjury, that I'we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Little Patuxent Properties, Inc. /s/ (Type or Print Name) Robert Wartt, h (Type or Print Name) City and State CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 88-538-594 5 - 1,530 Attorney for Petitioner: Newton A. Williams Nolan, Plumhoff & Williams, Chtd. 9051 Baltimore National Pike Muting Williams, The March & Construction of the Sunarum Court of the March & Construction of the Sunarum Court of Date of Posting ... Creat 16 . F. F... Ellicott City, MD 21041 Signature Suite 1105 - Hampton Plaza 300 E. Joppa Road Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, Maryland 21204 Newton A. Williams Name Suite 1105 - Hampton Plaza Attorney's Telephone No.: 823-7800 300 E. Joppa Rd., Towson, MD 21204 ORDERED By The Zoning Commissioner of Baltimore County, this _____day , 19.55, that the subject matter of this petition be advertised, as of Baltimora County in two newspapers of general circulation through-BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION ic hearing be had before the Zoning MISCELLANEOUS CASH RECEIPT ce Building in Towson, Baltimore Commissioner of Baltimore County.

Baltimore County

494-3353

J. Robert Haines

Zoning Commissioner Office of Planning & Zoning

Towson, Maryland 21204

Newton A. Williams, Esquire

RE: PETITION FOR SPECIAL HEARING

(1133 Baker Avenue)

Case No. 88-528-SPH

dance with the attached Order.

cc: Ms. Katherine W. Harp

Ms. Joan B. Brandau

People's Counsel

1131 Baker Avenue, 21207

1130 Baker Avenue, 21207

Mr. William K. Lawrence 101 Arbutus Avenue, 21228

free to contact our Appeals Clerk at 494-3391.

SE/S Baker Avenue, 65' SW of Carroll Street

1st Election District; 1st Councilmanic District Little Patuxent Properties, Inc. - Petitioner

Nolan, Plumboff & Williams Suite 1105 - Hampton Plaza

Towson, Maryland 21204

300 E. Joppa Road

Dear Mr. Williams:

AMN:bjs

Enclosure

July 21, 1988

Enclosed please find the decision rendered on the above-refer-

In the event the decision rendered is unfavorable to any party,

Very truly yours,

ANN M. NASTAROWICZ

for Baltimore County

(M. Ales Kilmin c.

Deputy Zoning Commissioner

£ 35 P

enced case. The Petition for Special Hearing has been granted in accor-

please be advised that any party may file an appeal within thirty (30)

days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel

PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

a new-conforming use as a four-apartment dwelling.

I+++ 35 F

VALIDATION OR SIGNATURE OF CASHIER

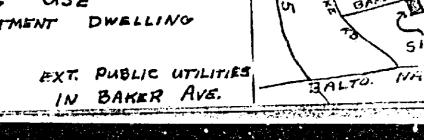
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-528-5PH

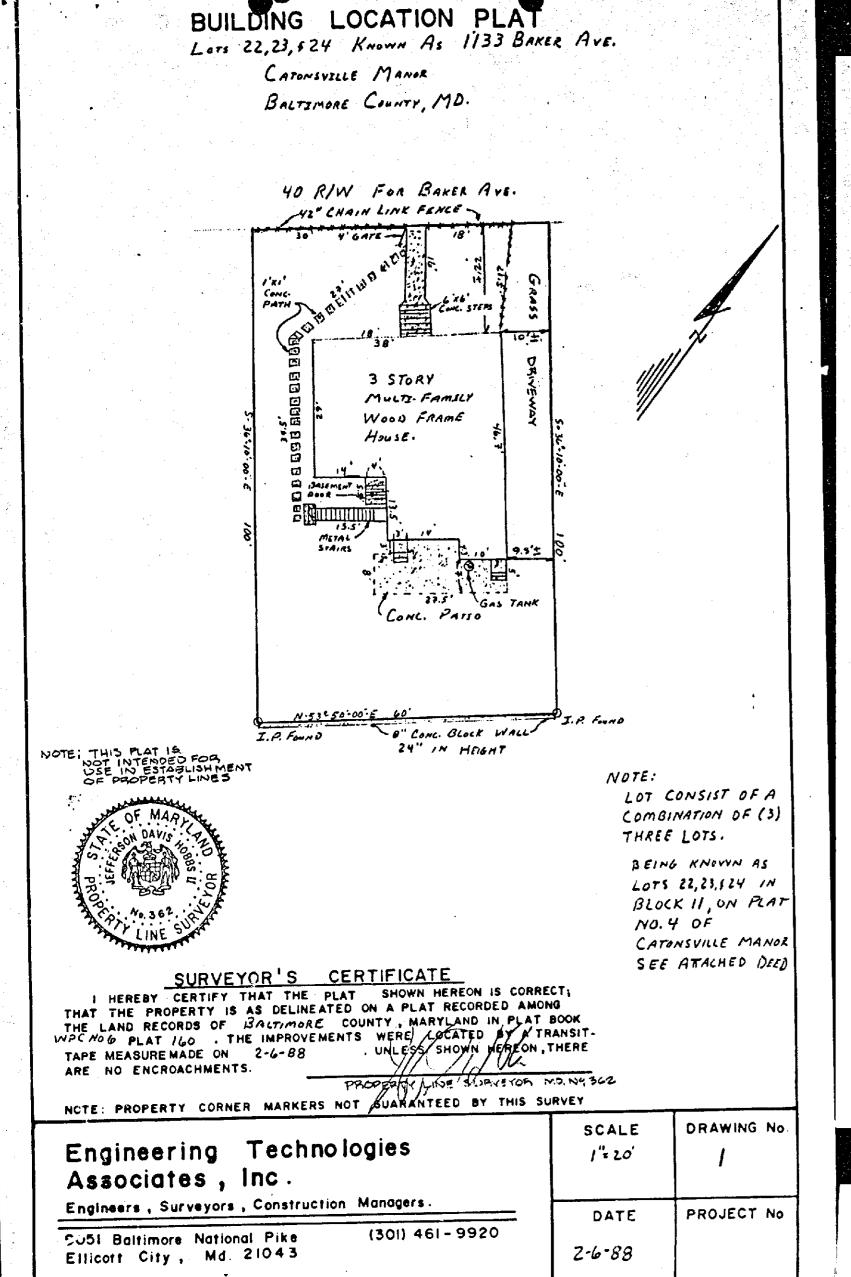
The Petitioner, through its Counsel, introduced as Petitioner's The Protestants, by their spokespersons Katherine W. Harp and

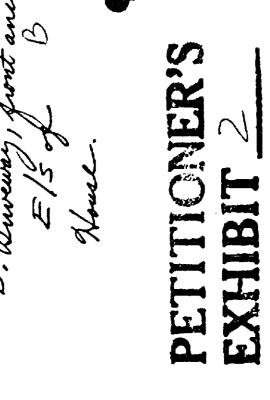
PLAT FOR SPECIAL HEARING FOR NONCONFORMING USE

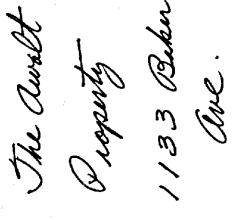
EXT. USE - 4 APARTMENT DWELLING ZONED - D.R. 5.5 ELECTION DIST. - /ST.

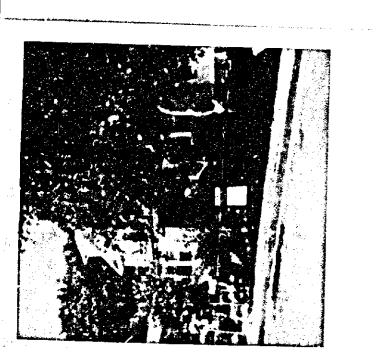
SCALE |" +20'











Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke April 20, 1988 J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 Re: Property Owner: Little Patuxent Properties, Inc. Dennis F. Rasmussen County Executive Location: SE/S Baker Avenue, 65' SW of Carroll St. Zoning Agenda: Meeting of 4/12/88 Item No.: 358 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-

() 6. Site plans are approved, as drawn. REVIEWER: Catt) sets to ly 4-20-88 Approved:

Planning group

Special Inspection Division

PROTESTANT(S) SIGN-IN SHEET

1131 Pater auc.

1130 Bakes and

1129 Baker live

1122 Beka Rre

1/35 Baken, ane

prior to occupancy.

Katherine W. Harp

Elcen Dahlke

. Grandau

tection Association Standard No. 101 "Life Safety Code," 1976 edition

BATIMORE COUNTY, MAR AND

INTER-OFFICE CORRESPONDENCE

May 18, 1988

P. David Fields, Director Office of Planning and Zoning SUBJECT Zoning Petition #88-522-SpH, 88-528-SpH

> In view of the subject of these petitions, this office offers no comment.

> > Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell Zoning File



Peurton A. Williams, Eg.

BALLMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer Zoning Supervisor Date__April 1, 1988 James Thompson FROM Zoning Enforcement Coordinator Item No.: 358 SUBJECT Petitioner: (if known) Little Patument Properties, Inc.

VIOLATION CASE / C-88-661 LOCATION OF VIOLATION 1133 Baker Avenue 5283 Golden Sky Court DEFENDANT Little Patuxent Properties, Inc. ADDRESS Columbia, MD 21045

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Thelma Hayes

ADDRESS 1135 Baker Avenue

Baltimore, MD 21207

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 21, 1988

COUNTY OFFICE HLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Newton A. Williams, Esquire Nolan, Plumhoff & Williams, Chtd. Suite 1105 - Hampton Plaza 300 East Joppa Road Towson, Maryland 21204

HEMBERS Bureau of Engineering Department of Traffic Engineering State Boada Commission Bureau of

Health Department

Project Planning

Building Department

Board of Education Eoning Administration

Industrial Development

RE: Item No. 358 - Case No. 88-528-SPH Petitioner: Little Patuxent Properties, Inc. Petition for Special Hearing

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received. I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER Chairman

Zoning Plans Advisory Committee

Enclosures

JED:dt

cc: Engineering Technologies Associates, Inc. 9051 Baltimore National Pike Ellicott City, Maryland 21043

Baltimore County Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405 Towson, Maryland 21204

May 10, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 358; 359, 360, 361, 363, 364, 365, 366, 367 and 368.

Very truly yours. Stephen E. Weber, P.E. Assistant Traffic Engineer

SEW/RF/pm1-b

Petitioner's

88-526-3P9

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

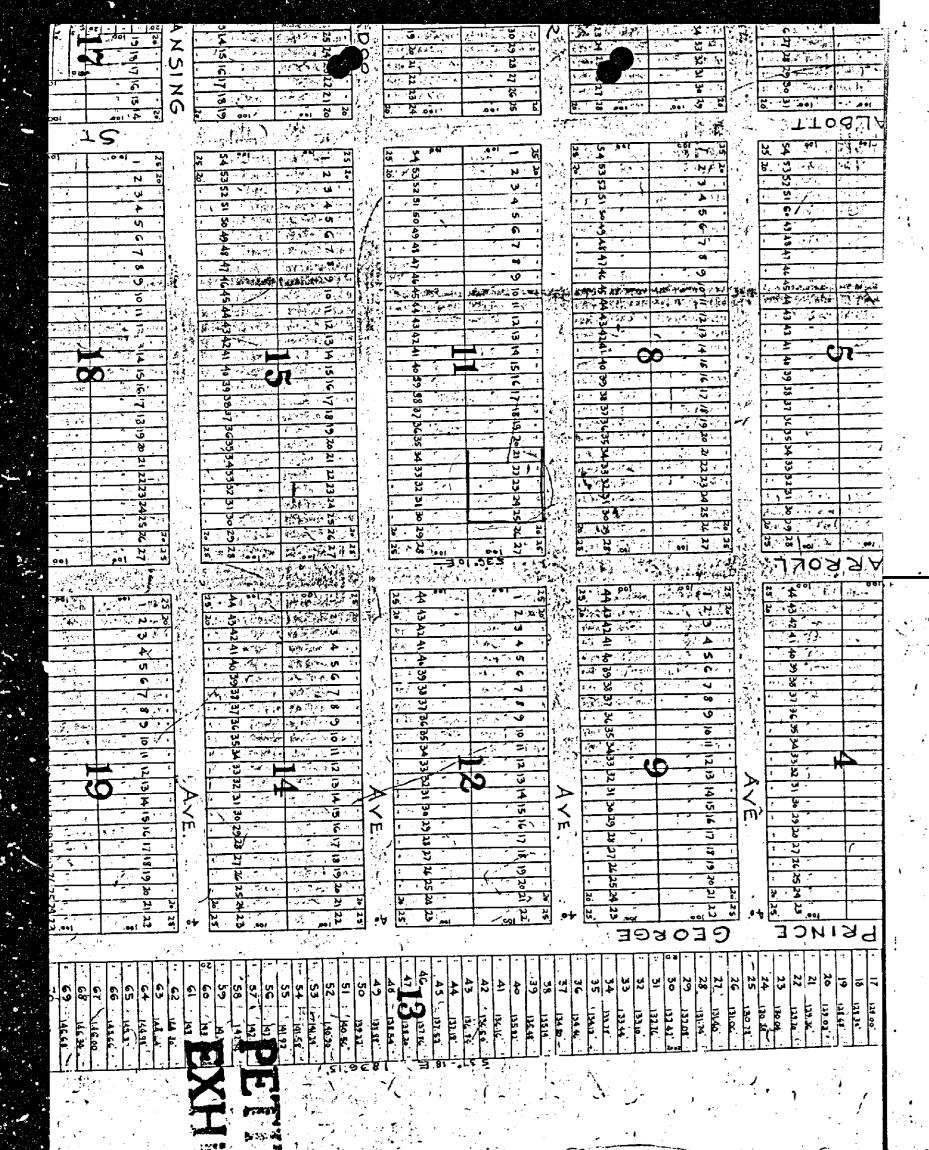
County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ______ day of __April_____, 1988 .

Little Paturent Petitioner Properties, Inc Attorney Newmon A. Williams

Received by: James S. Dyar Chairman, Zoning Plans Advisory Committee





W.P.C. Nº6-160

AFFIDAVIT

The undersegned hereby afferms unlike the series of soft persuay to the Zonena Commissioner of Exetement Society of Series: That the coformation horsen reven is within a core att knowledge of the afficant and afficient is competed to the text thereto in the event that a public hearing is a likel in the fulure with regard thereto:

Christine of Stengel

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NOVEMBER . 1940 . This personal knowledge is based upon: NAVING REDIED AN APARTMENT THERE FERTHROS YOURS

STAIL OF VARVIAND, COUNTY OF BALLIMORE, to wet:

I MERERY CERTITY, this 13 dru of III. 1988, helorouse, a Notorn Public of the State of Morniand, in 1888, helorouse aforesaid, personally appeared Christine or State of the Scaning the afficient personally known a satisfact or identified the as such afficant, and make rath in the form of the most of personalities and facts here crabove set first are true and ours. The host of knowledge and belief. AS WITNESS my hand and Notorial Seal

EXHIBIT 4A

AFFIDAVIT

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Samuel & linderson

I have personal knowledge that the home records at 1133 BAKEE AVE, BALTIMORE MO. 21207 has been used as a Four troe, three, etc. apartment dwelling since JULY . 1944. I has have personal becaleday that all apartments within the foreivery page been utilized as such continuoustu and uninterrupt of since

JULY , 1941. This versonal knewledge is based upon: NAVING DUNED THE FRIFERTY,

STATE OF MARY AND, COUNTY OF BALLIMORE, to were THE RESPONDENCE OF the State of Maryland, in the location of the State of Maryland, in the location of the State of Maryland, in the location of the Secretary of the Africant of the Secretary of the Africant of the Secretary personation known or national to a identification me as such affect, and made outh in due form in the fort the mottors and facts become over set forth are true and electrical to the best of known and and because and because the best of known and because knowcedge and befork.

AS WITNESS ma hand and Notoreal Seri

PETITIONER'S
EXHIBIT 49